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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/067,569	02/05/2002	Dusan Miljkovic	STI.001A	5844

20995 7590 04/07/2006

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EXAMINER

GEORGE, KONATA M

ART UNIT PAPER NUMBER

1616

DATE MAILED: 04/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/067,569

Applicant(s)

MILJKOVIC ET AL.

Examiner

Konata M. George

Art Unit

1616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11, 17-29, 48, 50-52 and 65-67 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11, 17-29, 48, 50-52 and 65-67 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claims 1-11, 17-29, 48, 50-52 and 65-67 are pending in this application.

Disposition of Final Rejection dated September 19, 2005

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Action Summary

2. The rejection of claims 1-9, 11, 17-29 and 48-52 under 35 U.S.C. 102(e) as being anticipated by Drunnen et al. is hereby withdrawn.

Response to Arguments

3. Applicant's arguments with respect to claims 1-11, 17-29, 48, 50-52 and 65-67 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 1-11, 17-29, 48, 50-52 and 65-67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Drunnen et al. (US 6,572,915) in view of Demus S.P.A. (WO 99/23890) and Blanc et al. (J. Agric. Food Chem. 1998).

Drunnen et al. discloses a process that includes the selective extraction of antioxidants from agricultural waste and returning them to food products, drinks or nutritional supplements (col. 1, lines 50-54). Examples of agricultural waste products are coffee cherries (col. 1, lines 55-64). Column 2, lines 18-48 teach a process by which the antioxidants are extracted. The prior art does not teach the detoxified extract having lower levels of ochratoxin or aflatoxin.

Demus S.P.A. discloses a process of removing microtoxins from green coffee wherein the microtoxins are ochratoxins or aflatoxin (alphatoxins) (page 1, lines 2-5).

Blanc et al. teaches that Ochratoxin A (OTA) is a nephrotoxic and nephrocarcinogenic mycotoxin produced by several fungal species. It also teaches that the natural occurrence of OTA in green office beans have been reports by several authors in concentrations ranging between 0.2 and 360 $\mu\text{g/kg}$ (Introduction).

It would have been obvious to one of ordinary skill in the art to use the combine teaching of Blanc et al. and Demus S.P.A. in the invention of Drunnen et al. As Blanc et al. teaches the toxicity of OTA, one of ordinary skill in the art would used the process of Demus S.P.A. with the agricultural waste products of Drunnen et al. to remove the toxins from the extract for the purposes of administering the extracts as a food, drink or nutritional supplement.

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Conclusion

5. Claims 1-11, 17-29, 48, 50-52 and 65-67 are rejected.


Telephone Inquiries

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Konata M. George, whose telephone number is (571) 272-0613. The examiner can normally be reached from 8AM to 6:30PM Monday to Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Kunz, can be reached at (571) 272-0887. The fax phone numbers for the organization where this application or proceeding is assigned are (571) 273-8000 for regular communications and for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-1600.

Konata M. George


JOHN PAK
PRIMARY EXAMINER
GROUP 1600